

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT COURT OF NEBRASKA**

NICHOLE WALKINSHAW, TYSHA )  
BRYANT, APRIL ENDICOTT, HEATHER )  
NABITY, MEGHAN MARTIN, )  
ALANDREA ELLWANGER, TROY )  
STAUFFER, and all other similarly situated )  
former or current employees of Defendant, )

Case No. 4:19-cv-03012-BCB-SMB

Plaintiffs, )

**AMENDED FINAL  
PROGRESSION ORDER**

vs. )

COMMONSPIRIT HEALTH f/k/a )  
CATHOLIC HEALTH INITIATIVES, CHI )  
NEBRASKA d/b/a CHI HEALTH, and )  
SAINT ELIZABETH REGIONAL )  
MEDICAL CENTER, )

Defendant. )

THIS MATTER is before the Court on the Parties' Joint Stipulated Motion to Extend and Set Discovery Response Deadlines and Amend Final Progression Order. ([Filing No. 81](#).) The motion is granted. Accordingly,

IT IS ORDERED that the provisions of the Court's earlier Final Progression Order remain in effect, and in addition to those provisions, the following shall apply:

1. The trial and pretrial conference will not be set at this time. The status conference presently scheduled for May 3, 2021 **is canceled**. A status conference **to discuss case progression, the parties' interest in settlement, and the trial and pretrial conference settings** will be held with the undersigned magistrate judge on **October 14, 2021 at 10:00 a.m.** Counsel shall use the conferencing instructions assigned to this case to participate in the conference.

Discovery Responses and Document Production

2. The due date for Defendants' Responses to Plaintiffs' First Set of Requests for Production ("Plaintiffs' RFPs") is extended from April 7, 2020 to **June 8, 2020**;

3. The due date for Plaintiffs' responses to Defendant Saint Elizabeth Regional Medical Center's First Sets of Interrogatories is extended from April 13, 2020 to **May 13, 2020**;
4. The due date for Defendants' responses to Plaintiff Nichole Walkinshaw's First Set of Interrogatories is extended from April 29, 2020 to **June 8, 2020**;
5. Defendants will complete their document production in response to Plaintiffs' RFPs by **June 15, 2020**.
6. Plaintiffs will supplement their Rule 26(a) disclosures by **June 29, 2020**;
7. Plaintiffs will complete their production of documents responsive to Defendants' First Set of Requests for Production within two weeks after entry of an appropriate amended protective order upon joint motion by the Parties.
8. The Parties will suspend and postpone any meet-and-confer and request for such meet-and-confer and initiation or filing of any motion regarding any Party's discovery responses or document production until **June 16, 2020**.
9. Defendants agree that the statute of limitations will be tolled on all FLSA claims for a period of 60 days as follows: for any person who meets the definition set forth in Paragraph 21 of the Amended Complaint, if he or she files a consent to join form (or otherwise opts in to the action as permitted under the FLSA or ordered by the Court) on a certain date ("the Opt-In Date") and by any deadline set by the Court to opt in, he or she will be treated as having filed a consent to join form (or otherwise opted in) 60 days prior to the date of the actual filing of the consent to join form (or otherwise opting in) for the purpose of determining the timeliness of his or her FLSA claims.

Adjustments of Case Progression Deadlines

- (a) The deadline for Plaintiffs to move to amend pleadings is extended from May 6, 2020 to **July 10, 2020**;
- (b) The briefing schedule for Plaintiffs' motion for conditional certification under the FLSA is extended as follows:
  - i. Plaintiffs will file their motion for conditional certification of their FLSA claims as a collective action on or before **July 20, 2020**;

- ii. Defendants will file their response in opposition on or before **August 24, 2020**;
- iii. Plaintiffs will file their reply in support of the motion on or before **September 14, 2020**.

DATED this 1<sup>st</sup> day of May, 2020.

BY THE COURT:

s/ Susan M. Bazis  
United States Magistrate Judge